

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MOIRA BRENNAN,

Plaintiff,

-v-

NEW YORK LAW SCHOOL,

Defendant.  
-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 3/1/2011  
10 Civ. 0338 (DLC)

ORDER

DENISE COTE, District Judge:

On February 15, 2011, Tomasz J. Piotrowski ("Piotrowski") filed a motion to withdraw as counsel for plaintiff and requested a charging lien upon any recovery due plaintiff by virtue of a settlement or judgment in this action. In a letter dated February 17, plaintiff consents to the withdrawal of counsel and requests a 90-day extension of discovery so that her prospective new attorney can proceed in the discovery phase. Fact discovery is currently scheduled to be completed by April 29. Accordingly, it is hereby

ORDERED that Piotrowski's request to withdraw as plaintiff's counsel is granted. The Clerk of Court shall terminate his appearance in this action.

IT IS FURTHER ORDERED that Piotrowski is entitled to a charging lien by operation of N.Y. Judiciary Law § 475 as the attorney of record for plaintiff who is terminating his representation for just cause. See Itar-Tass Russian News

Agency v. Russian Kurier, Inc., 140 F.3d 442, 450-51 (2d Cir. 1998) (attorney terminates for "just cause" "when he was not paid as agreed"). The application to set the amount of the charging lien is denied without prejudice for renewal as Piotrowski has not provided the Court with the information necessary to set the amount.


IT IS FURTHER ORDERED that new counsel for plaintiff must file a notice of appearance by March 11, 2011. If no attorney files a notice of appearance on behalf of plaintiff by that date, the Court will consider the plaintiff as proceeding in this litigation pro se.

IT IS FURTHER ORDERED that the deadline for the completion of fact discovery will be extended to May 27. The deadline for the completion of expert discovery and the date for the filing of a summary judgment motion practice or the Joint Pretrial Order are not changed from this Court's Order of July 19, 2010.

IT IS FURTHER ORDERED that Piotrowski must serve a copy of this Order on plaintiff forthwith.

SO ORDERED:

Dated: New York, New York  
March 1, 2011

  
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DENISE COTE  
United States District Judge